

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

GABRIEL MAIYILI NDONYI,
Petitioner

CIVIL ACTION NO. 1:20-CV-558-P

VERSUS

JUDGE DRELL

DEPT. OF HOMELAND
SECURITY,
Respondent

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court is a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1) filed by *pro se* Petitioner Gabriel Maiyili Ndongyi (“Ndongyi”). Ndongyi is a detainee in the custody of the Department of Homeland Security (“DHS”) and Bureau of Immigration and Customs Enforcement (“ICE”), presently detained at LaSalle Correctional Center in Jena, Louisiana.

Because Ndongyi alleges that he is being subjected to indefinite detention in violation of his constitutional rights, his Petition (ECF No. 1) should be SERVED on the Government.

I. Background

Ndongyi is a native and citizen of Camaroon. ECF. No. 1-1 at 1. He entered the United States on March 10, 2017, seeking protection from persecution and torture in his home country. ECF No. 1-1 at 1. Ndongyi has been in ICE custody since that date—over three years.

On December 20, 2018, an immigration judge denied Ndongyi’s application for asylum, withholding of removal, and protection under the Convention Against

Torture, 8 U.S.C. §§ 1158(b)(1)(A), 1231(b)(3)(A); 8 C.F.R. §§ 1208.16(c), 1208.18. ECF No. 1-2 at 4. Ndonvi's appeal was ultimately dismissed in September 2019. *Id.* at 4-6. Ndonvi has filed multiple motions to reopen his immigration proceedings, although it is unclear whether any of those motions remain pending. ECF No. 1-2 at 7, 33. Ndonvi also filed a petition for review in the United States Court of Appeals for the Fifth Circuit, which is pending. ECF No. 1-2 at 25. The Fifth Circuit denied Ndonvi's request to stay his removal pending review. (Case No. 19-60782, 5th Cir. (3/19/20)).

Ndonvi alleges that his continued detention violates the United States Constitution.

II. Service of Process

To determine whether Ndonvi is entitled to any relief:

THE CLERK IS DIRECTED to serve a summons, a copy of the Petition (ECF No. 1), and a copy of this Order, by certified mail, on the United States through the United States Attorney for the Western District of Louisiana, the United States Attorney General, DHS/ICE through its Director, and the Warden of the LaSalle Correctional Center.

IT IS ORDERED that Respondents file an answer to the Petition (ECF No. 1) within 60 days following the date of service. In the answer, Respondents shall provide the Court with summary judgment evidence indicating whether Petitioner's order of removal is final, whether there is a significant likelihood of removal in the reasonably foreseeable future, and whether Petitioner's detention is otherwise lawful. This evidence shall include information regarding the length of time that he has been in

custody, the date on which his removal order became final, any administrative decisions relating to Petitioner's request for bond, and all documents relevant to the efforts made by the immigration officials to obtain travel documents for Petitioner.

Respondents shall also file a memorandum of law briefing the issues raised in the answer and citing applicable statutory and case law.

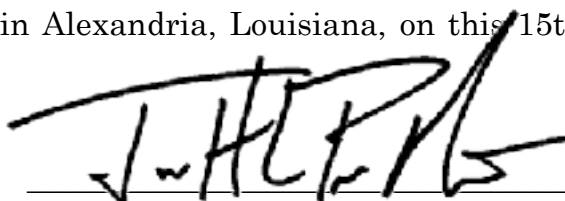
IT IS FURTHER ORDERED that Petitioner shall have 30 days following the filing of Respondents' answer to produce contradictory summary judgment evidence on the issue of the lawfulness of his detention.

All documentary exhibits MUST HAVE PROPERLY NUMBERED PAGES. An index describing each item attached to the response and showing each item's page number shall also be attached.

FINALLY, IT IS ORDERED that, as a condition to their acceptance by the Clerk, all future filings by Petitioner and Respondents shall include a certificate stating that a copy thereof has been mailed to all other parties.

After the record is complete and all delays have run, the Court will determine if genuine issues of material fact exist, which preclude summary judgment and necessitate an evidentiary hearing. If no hearing is necessary, a Report and Recommendation will be issued without further notice.

THUS DONE AND SIGNED in Alexandria, Louisiana, on this 15th day of May 2020.



JOSEPH H.L. PEREZ-MONTES
UNITED STATES MAGISTRATE JUDGE